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Commerisoner For Patents
United States Patent and Trade Mark Office
P.O. Box 1450,
Alexandria, VA 22313-1450

Date August 12,2003

In re: Application of
John William Tocher
Application No. 09/981,060
Filed: October 18, 2001
Title of the Invention;Ultimate Vent

I have reviewed your letter of July 16th,2003 on the decision on the petition under 37CFR 1.137(a) was dismissed due to the application becoming abandoned for failure to timely submit a response to the September 12,2002 non-final office Action. The Office Action did set a 3month shortened statutory period for reply.A one month extension of time pursuant to 37CFR S1.136(a)was obtained. However a response was sent to the Office Action but was not received. Accordingly, the application became abandoned on January 29,2003 A notice of Abandonment was mailed on May6,2003 and it was received.

It was also noted That the Petitioner had not provided sufficient evidence to establish unavoidable delay and that why the envelope was refused nor evidence of refusal.

As per your recommendation for renewed petition, that the Petitioner should supply any evidence which may assist in establishing unavoidable delay. Also, the Petitioner should supply any documentation from UPS which establishes the envelop was refused and the Petitioner should provide a statement as to how and what Larry Schwartz " straightened out".

On January 6, 2003 an envelope containing the response to the Office Action was sent to the U.S. Patent and Trade Mark Office by UPS but was refused. Attached is item (a)UPS tracking record of parcel # w750 215 405 9 that is explanatory as to Dates of delivery, two places were it was accepted and signed for and final date it was accepted, the UPS delivery document showing the correct date and address that we've always corresponded with.

On January 23, 2003 I spoke to Mr. Larry Schwartz, SPE of 3700 who "straightened it out". Attached is item (b) relate to Mr. Larry Swartz Action in this matter.

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Delay in submitting this document is due to difficulty in obtaining tracking records from (UPS) and Mr. Larry Swartz was absent.

Re: mailing address, due to September 11, we thought it was better to use my uncle's address in California because of problems with the mail; we are inclosing a change of address.

Respectfully yours



John Tocher

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